

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 1:18-CR-1107-MV-1
)	
Plaintiff,)	CRIMINAL
)	
vs.)	Albuquerque, New Mexico
)	
)	Monday, April 16, 2018
WAYNE RYAN,)	
)	(10:06 a.m. to 10:13 a.m.)
Defendant.)	

ARRAIGNMENT

BEFORE THE HONORABLE LAURA FASHING,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff:	SHANA LONG, ESQ. U.S. Attorney's Office District of New Mexico P.O. Box 607 Albuquerque, NM 87103
For Defendant:	ALEJANDRO B. FERNANDEZ, ESQ. Federal Public Defender's Office 111 Lomas Blvd. NW, Suite 501 Albuquerque, NM 87102
Court Reporter:	Recorded; Rio Grande
Clerk:	N. Maestas
Transcribed By:	Exceptional Reporting Services, Inc. P.O. Box 18668 Corpus Christi, TX 78480-8668 361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

Albuquerque, New Mexico; Monday, April 16, 2018; 10:06 a.m.

(Call to Order)

THE CLERK: United States of America versus Wayne Ryan.

MR. KRAEHE: Good morning, your Honor. George Kraehe for the United States.

MR. FERNANDEZ: Good morning, your Honor. Alejandro Fernandez for Mr. Wayne Ryan who is present to my left.

THE COURT: All right. Good morning to both of you. Mr. Ryan, we are here on an arraignment on an indictment that has been filed against you. And so first let me ask you, sir, whether you have received a copy of that indictment.

THE DEFENDANT: I just received it this morning.

THE COURT: Okay, have you had a chance to read it?

THE DEFENDANT: Not in full, but skimmed over it.

THE COURT: Okay, would you like some more time to sit down with your attorney and go over --

THE DEFENDANT: Yes, ma'am.

THE COURT: -- it with him? I'm --

MR. FERNANDEZ: I think --

THE COURT: -- happy to let you do that.

MR. FERNANDEZ: Your Honor, I think we understand the gist of it. What we haven't, of course, gotten yet is discovery. And what I explained to Mr. Ryan is that we're

1 going to go through that very closely together.

2 At this point, we are prepared to enter pleas of not
3 guilty, however. And if your Honor is in a position to accept
4 that, I think we can go forward.

5 **THE COURT:** Okay, well, let me just do a little bit
6 more here.

7 So, Mr. Ryan, I'm just going to go over, sort of,
8 the basic charges with you.

9 In Count One you've been charged -- you have been
10 charged -- excuse me -- with (audio glitch) essentially a
11 machine gun, in violation of 18 United States Code, Sections
12 922(o) and 924(a)(1).

13 In Count Two, you've been charged with possessing an
14 unregistered firearm, in violation of 26 United States Code,
15 Sections 5841, 5845(a), 5861(d) and 5871.

16 In Count Three, you have been charged with possession
17 of a firearm that has no serial number in violation of 26
18 United States Code, Sections 5842(b), 5845(a), 5861(i), and
19 5871.

20 And lastly, in Count Four, you've been charged with
21 registration violations involving aircraft not providing air
22 transportation, in violation of 49 United States Code, Section
23 46 -- this is a long one -- 46306(b).

24 So first let me ask you, do you understand the
25 charges in the indictment?

1 **THE DEFENDANT:** Pardon me?

2 **THE COURT:** Do you understand the charges in the
3 indictment?

4 **THE DEFENDANT:** I believe so.

5 **THE COURT:** Okay, and, Ms. Long, I'm going to ask you
6 to go ahead and state what the penalties are.

7 Oh, I'm sorry, Mr. Kraehe. I'm sorry.

8 **MR. KRAEHE:** Your Honor, as to Counts One, Two, and
9 Three, the Defendant faces a potential term of imprisonment of
10 ten years, a fine of up to \$250,000, a term of supervised
11 release of up to three years, and a special penalty assessment
12 of \$100.

13 As to Count Four, that's the 49 U.S.C. Section 46306,
14 the Defendant faces a term of imprisonment of up to three
15 years, a term of supervised release of up to a year, a fine of
16 up to \$10,000, and a special penalty assessment of \$100.

17 **THE COURT:** All right. Mr. Ryan, do you understand
18 that those are the potential penalties that you face?

19 **THE DEFENDANT:** Yes, ma'am.

20 **THE COURT:** Okay, Mr. Fernandez, what's your position
21 with respect to reading the indictment?

22 **MR. FERNANDEZ:** Your Honor, we would waive a formal
23 reading of the indictment, and as I previously mentioned, enter
24 pleas of not guilty.

25 **THE COURT:** Okay, Mr. Ryan, I will enter a plea of

1 not guilty on your behalf with respect to each of the four
2 counts of the indictment.

3 Your motions are due May 7th. (Audio glitch). And
4 she will set the trial date. I will issue a standard discovery
5 order.

6 Is there anything else we need to take up?

7 **MR. FERNANDEZ:** Well, your Honor, I filed a motion to
8 have Mr. Ryan's bail conditions reconsidered. There's new
9 information that came to light after our initial bail hearing.

10 I know -- I'm not sure under Cisneros whether it
11 would be appropriate for you to hear it, given that there's now
12 a new indictment in place.

13 **THE COURT:** I think our practice would be that it
14 should go -- who was the original judge?

15 **MR. FERNANDEZ:** Judge Molzen, your Honor.

16 **THE COURT:** I don't have -- I'm sorry?

17 **MR. FERNANDEZ:** Judge Molzen, your Honor.

18 **THE COURT:** Yeah, I think under Cisneros, our view is
19 that it should go back to the original decider. And so I
20 assume that that motion has been presented to her.

21 When was it filed?

22 **MR. FERNANDEZ:** Just late last week, I think
23 Thursday, your Honor.

24 **THE COURT:** Okay, so it may be that they're -- she's
25 waiting for the Government to respond.

1 **MR. FERNANDEZ:** Okay.

2 **THE COURT:** So that will -- once it's ready for
3 hearing, just make sure -- if she -- if you're not getting a
4 hearing date from her --

5 **MR. FERNANDEZ:** Touch base.

6 **THE COURT:** -- you may want to contact her chambers.

7 **MR. FERNANDEZ:** Your Honor, I do have a very quick
8 matter I would ask to approach on.

9 **THE COURT:** Sure.

10 **MR. FERNANDEZ:** And if the U.S. Marshal may approach
11 as well?

12 **THE COURT:** Yes.

13 **(Begin Bench Conference 10:12 a.m.)**

14 **MR. FERNANDEZ:** I've actually confirmed in the last
15 week or so that he has had -- he's cooperated with law
16 enforcement before. He says he's very concerned. He's seen
17 people that he's cooperated against in jail.

18 He's asking to be put in protective custody. So I
19 just want to put that on the record and see whether or not
20 that's possible with you guys.

21 **THE MARSHAL:** That should be fine. If we request it,
22 we can accommodate it.

23 **THE COURT:** Okay, any issues? Okay, all right.
24 Thank you.

25 **MR. FERNANDEZ:** Thank you.

1 **(End Bench Conference 10:12 a.m.)**

2 **MR. FERNANDEZ:** And thank you, your Honor. That
3 concludes matters for the Defense.

4 **THE COURT:** All right, thank you.

5 **(Proceedings concluded at 10:13 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



Signed

September 5, 2018

Dated

TONI HUDSON, TRANSCRIBER